

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33916
Docket No. SG-35024
00-3-98-3-786**

The Third Division consisted of the regular members and in addition Referee Robert Perkovich when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company (former Southern Pacific)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad Co. (former Southern Pacific):

Claim on behalf of A.S. Weissinger, J.L. Brown, and J.C. Rider for payment of 90 hours each at the straight time rate, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when it used non-covered employees to install switch heaters at Stratford Interlocker and West Stratford from January 29 through February 6, 1997, and deprived the Claimants of the opportunity to perform that work. Carrier’s File No. 1059091. General Chairman’s File No. SWGC-1464. BRS File Case No. 10780-SP.”

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Claimants were assigned to a signal gang in Liberal, Kansas, when, between January 29 and February 6, 1997, the Carrier used other employees represented by the International Brotherhood of Electrical Workers to install switch heaters at Stratford Interlocker and the west end of Stratford. On February 27, 1997 the Organization filed this claim alleging that the Carrier violated the Scope Rule of the current Agreement between the parties and on April 24, 1997 the Carrier denied the claim. The Organization appealed the matter on June 12, 1997 to which the Carrier replied on November 14, 1997, again denying the claim. From the record, it appears that the matter was not conferenced on the property as required by Section 3 First (i) of the Railway Labor Act.

Based on the Board's review of the case, we find that the claim is procedurally defective and must be dismissed. Board precedent is clear that compliance with the procedural requirements of the Railway Labor Act for consideration of claims in conference on the property is a jurisdictional prerequisite for Board consideration of a claim. See e.g., Third Division Awards 27482, 25761, 21627, and 21440.

In the instant case, since no conference was ever held on the property, the Board is without authority to take jurisdiction of the claim. Therefore, the claim must be dismissed.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 24th day of January, 2000.